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10 Honorable James L. Robart
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12 UNITED STATES DISTRICT COURT
13 WESTERN DISTRICT OF WASHINGTON AT SEATTLE
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15 VANESSA SIMMONDS,
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17 Plaintiff,
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19 v.
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21 DEUTSCHE BANK SECURITIES
22 INC., a Delaware corporation,
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24 MERRILL LYNCH, PIERCE,
25 FENNER & SMITH
26 INCORPORATED, a Delaware
27 corporation,
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29 J.P. MORGAN SECURITIES INC., a
30 Delaware corporation,
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32 Defendants,
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34 and
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36 FOUNDRY NETWORKS, INC., a
37 Delaware corporation,
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39 Nominal Defendant.
40

41
42 NO. C07-1566 JLR
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44 **PLAINTIFF'S NOTICE OF
45 DISMISSAL**

46 Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), Plaintiff hereby dismisses this
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PLAINTIFF'S NOTICE OF DISMISSAL - 1
No. C07-1566 JLR

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1 action with prejudice as to the adequacy-of-the-pre-suit-demand issue under the
2 standard articulated by the Ninth Circuit (*see Simmonds v. Credit Suisse Sec.*
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4 *(USA) LLC*, 638 F.3d 1072, 1097 (9th Cir. 2011) (citing *In re Kauffman Mut. Fund*
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6 *Actions*, 479 F.2d 257, 267 (1st Cir. 1973)), and without prejudice as to all other
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8 issues.

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10 DATED this 11th day of June, 2012.

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13 **GORDON TILDEN THOMAS & CORDELL LLP**
14 Attorneys for Plaintiff
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CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following.

<p><u>Counsel for Defendants Deutsche Bank Securities Inc., Merrill Lynch, Pierce, Fenner & Smith Incorporated and J.P. Morgan Securities Inc.:</u></p> <p>Christopher B. Wells LANE POWELL PC E-Mail: wellsc@lanepowell.com</p>	<p><u>Counsel for Defendant Deutsche Bank Securities Inc.:</u></p> <p>Judith Welcom* Joel M. Mitnick* Milan Markovic* Tracey Seraydarian* SIDLEY AUSTIN LLP 787 Seventh Avenue New York, New York 10019 E-Mail: jwelcom@sidley.com jmitnick@sidley.com mmarkovic@sidley.com tseraydarian@sidley.com</p>
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s/Mark Wilner

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